

FAUQUIER COUNTY
PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE
MEETING
December 20, 2004
9:00 AM
Virginia Cooperative Extension Office, 24 Pelham Street, Warrenton, VA
20186

MINUTES

1. Call to Order

Leslie Grayson, Committee Member and Director of the Northern Virginia Office of the Virginia Outdoors Foundation called the meeting to order at 9:08.

The following people were present:

Ray Pickering	Agricultural Development Officer
Leslie Grayson*	Director, Northern Virginia Office of Virginia Outdoors Foundation; Temporary Chair, PDR Committee
Bob Lee	County Administrator
John Schied*	Agricultural Advisory Committee Member and PDR Committee
Roger Martella*	PDR Committee
Ike Broaddus*	PDR Committee
Keith Dickinson	Agricultural Agent, Virginia Cooperative Extension
Don Huffman*	PDR Committee
Stan Edmister	Citizen
Scottie Heffner	PDR Program Assistant

*PDR Committee Members. All PDR Committee Members were present.

2. Adopt the Agenda

- a. Leslie Grayson, Temporary Chair, asked that we add the items to the Agenda:
 - i. Mr. Chapman may not go forward with his decision to place his property in easement.
 - ii. In order to give exposure to the PDR Program, the use of signs placed on easement properties was suggested. It was agreed to go forward with having signs made.

3. Approval of October 28, 2004 Minutes

- a. Leslie Grayson made a motion that the revised September 2, 2004 Minutes and the October 28, 2004 Minutes be approved as is. The motion was seconded and carried unanimously.

4. Review Status of First Round Applicants

- a. Ray Pickering reviewed the status of the first round applicants: Vanderwoude-Hill, Peters and Bowen have settled
- b. The status of remaining properties to settle was discussed.

- i. Ken Smith/Cool Lawn Farms, L.L.C
 - 1. Settlement is scheduled for 1:00 PM today
 - 2. It is understood that Mr. Smith will reapply under the third round application cycle for his remaining two parcels. PDR staff will follow up to confirm that is his intention.
- ii. C. L. Ritchie
 - 1. The number of development rights is being reviewed.
 - 2. The problem of disputing number of development rights of properties under application was discussed. It was concluded that the number should be firm by the time it comes before the Board of Supervisors. (This particular parcel had originally had some Industrial Zoning as well as a new survey which showed more acreage than previously believed.) A Landowner's Commitment Letter will be implemented in the current (third) round wherein the landowner agrees in writing to the number of development rights assigned and offered for easement. In addition, the County has hired another surveyor and an Assistant Zoning Administrator who is also an attorney. These improvements should help with the problem of disputes over number of development rights which complicate and delay settlement.
 - 3. The time frame for the third round was discussed. The revised ranking process would be implemented when the revised application period closes (after January) then the properties would go to the Committee for review. Ideally they should be completed within three to six months. With the fiscal year ending June 30, it is hoped that most could settle before the end of the fiscal year for auditing purposes.

5. Review Status of Second Round (ODEC) Applicants:

- a. Chapman
 - i. Mr. Chapman is talking to an accountant and a lawyer and may be waffling on his decision. A deadline for response should be made, to coincide with the end of the application cycle. The County Attorney will review the letter and if there is no response a Certified letter will be mailed.
- b. C. L. Ritchie
 - i. Title work has been received
- c. W. Ritchie
 - i. Release of Deed of Trust needs to be recorded and settlement should occur shortly thereafter.
- d. Morgan Ott
 - i. Possible foreclosure and bankruptcy may make it impossible to place an easement on his property. The County Attorney is

reviewing this issue; if there is some rule of law that invalidates the easement it will not be able to settle.

e. Brock Price

- i. Release of Deeds of Trust needs to be recorded and other title issues addressed; settlement should occur shortly thereafter.

6. Third Round Applicants

- a. Notice was published in The Fauquier Democrat and The Citizen. Letters were mailed to the Conservation Roundtable participants as well as several interested landowners. Since response has been moderate, notices will be published again after the New Year. Several applications are expected.

7. Review Eligibility Criteria

- a. Eligibility Criteria was relaxed to allow as many applicants as possible to qualify; farm income, principal occupation and substantial infrastructure was moved to the Ranking Criteria.

8. Review Ranking Criteria

- a. Items added to be considered are:
 - i. Percent of Development Rights being offered
 - ii. Proximity to Service District (which may be viewed as positive or negative)
 - iii. Proximity to Sewer (which may be viewed as positive or negative)
 - iv. Participation in Conservation Programs
 1. The John Marshall Soil and Water District has agreed to co-hold easements; farmers are familiar with this organization and may be more comfortable with a co-holding to them than to VOF which they may not be familiar with.
 - v. Participation in Best Management Practices
 - vi. Scenic Value – Gateway View or High Visibility:
- b. Motion was made by Ike Broaddus to take the revised Eligibility Criteria and Ranking Criteria to the Board of Supervisors for approval as written. Motion was seconded and vote was unanimous.

9. Matching Grant Programs for PDR – Information

- a. Virginia Land Conservation Foundation Grants opens in January; has several hundred thousand dollars available for matching 50% to PDR Programs. The program is an incentive for counties who do not have a PDR program to implement one.
- b. Farm and Ranchland Protection Program under USDA for state and local PDR programs as well as Land Trusts. The program can pay up to 50% match for specific parcels. It is open now through April 5th. The program requires that a parcel must contain at least 50% prime or statewide important soils and that no rights are retained in order to be eligible. The

application process can be tedious and a recent appraisal is required. Under this program if the County should not continue the PDR Program, the FRPP has the right to step in and enforce the easement.

- c. Should there be a particularly valuable parcel under application, where the value of the development right is significantly more than what is offered under the PDR program, the landowner may decide to go ahead with the easement if he can implement the bargain sale tax credit.
- d. Stan Edmister of Opal asked about Watershed Restoration and was directed to Denise Harris who works with water related land conservation. A \$25,000.00 grant for a watershed Management Plan was just received to develop a plan to protect water resources.
- e. Bob Lee stressed that there are some instances where it is better for the landowner to donate an easement in order to capture a tax credit than it is to participate in a PDR program. The issue of changes in the state's Open Space tax credit program came up; there may be bills to cap the amount either state wide or on individual properties or both. There is the possibility of local banks purchasing tax credits to syndicate to customers as part of wealth management practices. Bob Lee indicated it might be an encouragement to landowners to keep land in open space if there was a tax advantage for those who may not qualify for land use assessment. At some point we may need to increase the amount offered per development right even though there is a tax credit for bargain sale that takes into consideration the difference between the amount offered and the appraised value.
- f. Visibility was discussed with some concern that we are not reaching everyone, in particular, the absentee landowner. Brochures in Clarke County are included with their tax bills. The mailers used in this county would make this difficult unless the mailer format is changed. But it might be good to mail at tax time if not in with the tax bill at least at the same time. The cost might be under \$5,000.00 depending on the format of the brochure. Newspaper coverage either in the way of notices after the holiday or success stories about the program could draw applicants.
- g. Ray Pickering was commended on giving exposure by presenting the Program to different organizations.

10. Nominate Permanent Chairperson for 2005

- a. John Schied was nominated Chairperson and Ike Broaddus was nominated Vice Chairman. The Board of Supervisors needs to know of the nomination so that it can be validated at the next organizational meeting.

11. Discuss Regular Meeting Dates for 2005

- a. It was decided that meetings would be scheduled on a month to month basis to accommodate individual schedules.

12. Next Meeting Date, Time and Place

- a. The next meeting date was scheduled for Monday, February 7th at 9:00 A.M. at the Virginia Cooperative Extension Office.
- b. Keith Dickinson may not be able to participate in PDR Committee Meetings after the next regular meeting due to new responsibilities which involves a lot of travel.

13. Adjourn

- a. The meeting was adjourned at 10:45.